

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

HOWARD L. LEWIS, #1117489

§

VS.

§

CIVIL ACTION NO. 5:03cv124

STATE OF TEXAS

§

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court referred the above-entitled and numbered civil action to United States Magistrate Judge Caroline M. Craven. The Magistrate Judge presented for consideration the Magistrate Judge's Report, containing proposed findings of fact and recommendations for disposition of this case. Petitioner filed objections to the Report.

This Court made a *de novo* review of Petitioner's objections and determined that they lack merit. This Court finds that the Magistrate Judge's findings and conclusions are correct, and adopts them as the Court's findings and conclusions. The Court therefore

ORDERS, ADJUDGES, and DECREES that Petitioner's claim that the State courts denied the writs without written opinion and docketed them, as required by law, but without considering the facts on the merits or the legal arguments is **DISMISSED WITHOUT PREJUDICE**, and the statute of limitations on that claim is tolled for ninety days, and that this action is **DISMISSED WITH PREJUDICE** regarding all other issues; and

ORDERS that all motions not previously ruled on are denied.

SIGNED this 11th day of August, 2005.

A handwritten signature in black ink, appearing to read "David Folsom", written over a horizontal line.

DAVID FOLSOM
UNITED STATES DISTRICT JUDGE